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F.#2005R00289

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Cr. No. 05-227 (RJD)

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UNITED STATES OF AMERICA

- against -

MAURICIO GARCIA,

PRELIMINARY ORDER OF
FORFEITURE

Defendant.

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WHEREAS, in an indictment filed on or about March 18, 2005, in the above-captioned action, the United States charged the defendant, MAURICIO GARCIA, with a violation of Title 21, United States Code, Sections 841 and 846 and;

WHEREAS, in the forfeiture allegation of the Indictment the United States sought forfeiture of the defendant's property; and

WHEREAS, on August 2, 2005, the Defendant entered a guilty plea and the Court accepted the Defendant's plea; and

WHEREAS, by virtue of the Defendant pleading guilty and entering into the Plea Agreement, the United States is now entitled to a criminal forfeiture judgment, pursuant to 21 U.S.C. § 853, and Rule 32.2 of the Federal Rules of Criminal Procedure.

Accordingly, it is hereby ORDERED, ADJUDGED AND

DECREEDE:

1. That based upon the Plea Agreement, the United States is hereby authorized to seize and fully liquidate in accordance with law, the following assets subject to the provisions of 21 U.S.C. § 853 and all proceeds traceable thereto:

(a) United States currency in the amount of eighty thousand dollars (\$80,000), more or less, seized by law enforcement officers on February 16, 2005.

2. That pursuant to 21 U.S.C. § 853(n)(1), the United States Marshals Service shall forthwith cause to be published in accordance with the custom and practice in this district in a newspaper of general circulation in the area in which the forfeited property is located, notice of this order, notice of the United States' intent to dispose of the property in such manner as the United States may direct and notice that any person, other than the Defendant, having or claiming a legal interest in any of the above-referenced forfeited property must file a petition with the Court within (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

3. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the funds, shall be signed

by the petitioner under penalty of perjury, and shall set forth the nature and extent of petitioner's right, title or interest in the funds and any additional facts supporting the petitioner's claim and the relief sought.

4. The United States may also, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the funds that are subject to the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

5. In accordance with Fed. R. 32.2, the government is hereby authorized to conduct any discovery necessary to help identify, locate or dispose of forfeitable property, and to begin proceedings consistent with any statutory requirements pertaining to ancillary hearings and the rights of third parties.

6. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

7. The Clerk of the Court shall forward eight (8) certified copies of this Order to Assistant United States Attorney, Amy Busa, U.S. Attorney's Office, One Pierrepont Plaza, 15th Floor, Brooklyn, New York 11201.

SO ORDERED:

Dated: Brooklyn, New York
August 2, 2005

THE HONORABLE JOAN M. AZRACK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK